

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1072 of 2019

Shiv Kumar Banjare S/o Bharat Lal Banjare, aged about 34years R/o Village & Post Meu, P.S. & Tahsil Pamgarh, Distt. Janjgir-Champa (C.G.)

---- Applicant

Versus

State of Chhattisgarh through Station House Officer, police Station Pamgarh, Distt. Janjgir-Champa (C.G.)

---- Respondent

For Applicant	:	Mr. Awadh Tripathi, Advocate
For Respondent	:	Mr. Amit Kumar Verma, PL
For Objector	:	Mr. Rajat Agrawal, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

09/08/2019

1. Heard.
2. The Applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 276/2019 registered at police station Pamgarh, Distt. Janjgir-Champa (C.G.) for the offence punishable under Section 376 of the Indian Penal Code.
3. In this case, the age of the Prosecutrix is about 36 years (a divorced lady). On 20/06/2019, she lodged a report alleging therein that she and Applicant were school friends. After her marriage, she got job of Siksha Karmi. In the meantime, she left the home of her husband and resided at her matrimonial house. It was alleged by her that due to her earlier friendship with the Applicant, they often used to meet. Thereafter, the Applicant, on the pretext of marriage, developed

physical relationship with her since 2012 to May, 2019 and he got engaged with one lady. On the basis of said report, offence has been registered.

4. Learned counsel appearing on behalf of the Applicant submits that the Applicant has been falsely implicated by the prosecutrix in the present case. The Applicant did not misrepresent her for marriage. He further submits that if the entire case of the prosecution is taken as it is, still the Prosecutrix was consenting party, therefore, no offence is made out against the Applicant.
5. On the other hand, learned counsel appearing on behalf of the State and the counsel for the Objector have opposed the bail application and submits that according to the material contained in the case diary, prima-facie the case lodged against the Applicant is made out and therefore, his bail application may be rejected.
6. I have heard counsel for the parties and perused the record.
7. Taking into consideration the submission put forth on behalf of the parties and further considering that the age of the Prosecutrix Which was above 36 years at the relevant time and FIR has been lodged after 6-7 years of the incident which indicates that she was the consenting party, therefore, without further commenting on merit of the case, I am inclined to extend the benefit of anticipatory bail to the Applicant.
8. Accordingly, this bail application is allowed.
9. It is directed that in the event of arrest, the Applicant shall be released on bail on furnishing a bond in the sum of Rs.20,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he

shall abide by all the following terms and conditions:

- i. That, the accused/Applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
- ii. The accused/Applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- iii. The accused/Applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- iv. The Applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

10. Certified copy, as per rules.

Sd/-

(Arvind Singh Chandel)
Judge

Rahul